

PUBLIC CHAPTER NO. 1200

SENATE BILL NO. 4150

By Kyle, Jackson, Ford, Marrero, Burks, Raymond Finney

Substituted for: House Bill No. 4106

By Bass, Odom, Fincher, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 16, Part 4, relative to misconduct by a probation and parole officer.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 16, Part 4, is amended by adding the following language as a new, appropriately designated section:

§ 39-16-4__.

(a) For purposes of this section, unless the context otherwise requires:

(1) "Probation and parole officer" means a probation and parole officer as defined in § 40-28-102(7); and

(2) "Probationer or Parolee" means any individual who is placed on probation or parole, as those terms are defined in § 40-28-102 and who is under the active supervision of the board. For the purpose of this section only, "probationer or parolee" does not include the lawful spouse of a probation and parole officer who is placed under the supervision of the board subsequent to the marriage.

(b) It is an offense for a probation and parole officer to engage in sexual contact or sexual penetration, as defined in § 39-13-501, whether consensual or non-consensual, with a probationer or parolee who is under the supervision of the board of probation and parole, provided the probation or parole officer knows or reasonably should know the person to be a probationer or parolee.

(c) A violation of this section is a Class E felony.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.

PASSED: May 20, 2008



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 20th day of June 2008



PHIL BREDESEN, GOVERNOR